GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:4599
ANSWERED ON:08.05.2007
EDUCATION FOR ALL
Kaushal Shri Raghuvir Singh

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether providing education for all children of the country is a constitutional/legal obiligation;

(b) if so, the details thereof;

(c) whether private educational institutions have also been included in this provision;

(d) if so, the details thereof;

(e) whether penal laws have been inforced to ban interviewv` of children seeking admissions in schools; and

(f) if so, the details thereof; and (g) the details of cases come to the notice of the Government violating these provisions in the regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRI M.A.A. FATMI)

(a) to (d): Consequent upon enactment of the Constitution (Eighty-sixth Amendment) Act, 2002, Article 21-A has been inserted in the Constitution, which makes education a Fundamental Right for children in the age group of 6-14 years by providing that the State shall provide free and compulsory education to all children of the age of six fourteen years in such manner as the State may, by law, determine`. Accordingly, a draft Model Right to Education Bill, spelling out broad parameters and features for achieving the Constitutional mandate of free and compulsory education was drafted and circulated as framework to the States/ UTs to seek their comments thereon. The Model Right to Education Bill has not yet been finalized.
Section 3 of the draft Model Bill spells out the rights of the child to free and compulsory education of equitable quality. Section 13 of the draft Model Bill spells out, inter-alia, that Schools shall provide free and compulsory elementary education to children entitled under Section 3 to the extent and in the manner specified below

(i) State schools, except schools of specified categories, and fully aided schools - to all admitted children.

(ii) Aided schools., other than fully aided schools - to at least such proportion of their admitted children as its annual recurring aid bears to its annual recurring expenses. Provided that if a school is already under obligation, at the commencement of this Act, to either the Central Government or an appropriate government or any authority/agency representing or acting on their behalf to provide free education to a specified number of children as a consequence of having received land/building/equipment/other facilities either free of cost or at subsidized rates, such school shall continue to discharge such obligation notwithstanding the provisions of this Act.
(e): No, sir.

(f) & (g): Does not arise.